

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JACK C. CHILINGIRIAN,)
)
Petitioner,)
)
v.) Civ. No. 05-CV-10005-RCL
)
DAVID L. WINN, WARDEN,)
)
Respondent.)

MOTION OF RESPONDENT DAVID L. WINN FOR EXTENSION
OF TIME TO RESPOND TO PETITIONER'S MOTION TO REOPEN

The Respondent David L. Winn, through his undersigned counsel hereby moves, for an extension of time within which to respond to the motion of Petitioner, Jack C. Chilingirian, to reopen this case. On October 18, 2005, the United States Attorney's Office received Petitioner's Motion to Set Aside Order of Dismissal and Reinstate Cause of Action for Habeas Relief. Accordingly, Respondent Winn's answering papers would be due pursuant to Local Rule 7.1(B)(2) on or about October 25, 2005. In order to adequately address the issues raised by the Petitioner's motion, the Respondent respectfully requests that the Court allow him an additional two weeks, or until

November 8, 2005, to file a response.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Jennifer C. Boal
JENNIFER C. BOAL
Assistant U.S. Attorney
John Joseph Moakley U. S. Courthouse
One Courthouse Way, Suite 9200
Boston, Massachusetts 02210
617-748-3310

October 24, 2005

CERTIFICATE PURSUANT TO LR. 7.1(A)(2)

The Respondent submits that, because LR. 7.1(A)(2) requires “counsel” to confer, the Rule is inapplicable where, as here, plaintiff is proceeding pro se and is incarcerated. To the extent the Court considers the Rule applicable, the undersigned requests that it be waived here.

/s/ Jennifer C. Boal
Jennifer C. Boal

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document , as well as the accompanying Memorandum of Law and Declaration described above, were served upon Petitioner Jack C. Chilingirian, Reg. No. 22512-039, FMC Devens Camp, P.O. Box 879, Ayer, MA 01432 by first class, postage prepaid mail on this date.

October 24, 2005

/s/ Jennifer C. Boal
Jennifer C. Boal